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ANNUAL REPORT - 1969

PUBLIC AND PRIVATE RIGHTS BOARD

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ANNUAL REPORT - 1969

PUBLIC AND PRIVATE RIGHTS BOARD

SECTION 6 - 3, EXPROPRIATION PROCEDURE ACT, 1968.

(A) Number of investigations made by the Board - 33

Nature of each:

Re: Compensation - 27

Re: Route or situation - 6

(B) Number of claims negotiated - 28

Nature of each:

Re: Compensation - 23

Re: Route or situation - 5

(C) The Act is operating fairly smoothly and with only one years experience we feel that we should not recommend any changes in the Act at this time.

(D) Attached is an account of our years work and a short resume on each claim received to December 31, 1969.

David M. Keith
Chairman

16

In our one year of operation we have been involved in negotiations mainly with the Department of Highways, however we have had negotiations with the Sask. Power Corporation and the Department of Agriculture. We have had good co-operation with all of these Departments and they were all willing to give us all the assistance and information that we required, especially the Department of Highways who have supplied us with maps, diagrams and copies of previous correspondence with our clients or any information that was requested by us.

We feel sure that we will have a lot more claims in 1970 as the Department of Highways in particular, made most of their expropriations for 1969 under the old Act, these expropriations were made in November, 1968.

We have been able so far, to call on every claimant and discuss their problems and make first hand inspections, this has proved to be very successful and was appreciated by all claimants. Some settlements have been made by getting the expropriating authority to adjust their offer of compensation, and others have been made by our convincing the claimant that the expropriating authority's offer was fair and just, so we feel that we have not only been of assistance to the landowner but have also assisted the expropriating authorities in making settlement of claims that otherwise may have had to go to arbitration or accepted by an unhappy claimant who did not want to go to the trouble or expense of arbitration.

We attended the annual meetings of the South West Surface

Rights Association, both at Gull Lake and at Kindersley, at their invitation, and spoke to them re the operation of the Board and the landowners right to apply to the Board for assistance. We also attended the annual meeting of the South East Surface Rights Association at Estevan, at their invitation, giving them the same information. In discussions with members of the Association, who are all landowners, after the meeting, we found that they were all in favour of the function of the Board and were glad to see that this type of assistance was available to them, they were particularly pleased that this type of assistance was available free of charge as most of them have been involved in negotiations which required legal and appraisal expenses. We were happy to be able to speak to these Associations as these people had no previous knowledge of the Board or of the services available.

The Board has also had several meetings with officials of the Saskatchewan Farmers Union, mainly to give them information on the function of the Board and establishing liason between the Saskatchewan Farmers Union and this Board.

Attached is a short account of each claim negotiated to December 31, 1969.

Semczuk, Rev. S.
#5 W. of Kamsack

(1) The complainant claimed that he was forced to sell his 2.75 acres in 1967 at $650.00 rather than the $2,750.00 asked by himself. This land was used for fill dirt and we feel that the $650.00 paid by the Department of Highways was fair remuneration. On checking with the Department we found that this land was of no further use to them so they agreed to transfer it back to the original owner. This has now been done and the owner has written to us expressing his thanks. The case is now settled.

Rogers, R.J.
#10 W. of Edgeley

(2) A claim was made re the amount of compensation offered re land expropriated in 1964 under the old Act. We made an investigation and with the help of two independent appraisals from qualified appraisers we tried to arrange a settlement. The claimant was not willing to reduce his original claim and the expropriating authority would not reconsider their offer. We were unable to make a settlement and arrangements have been made to have this case go to arbitration.

Tschetter, M.
(Hutterite Colony)
Gravel N. of
Saskatoon

(3) A claim was made re the value of land that was expropriated for a gravel pit. The expropriating authority have not yet made their offer of compensation to the claimant, so we will make no investigation until the claimant has received the offer and then comes to us for assistance. We have written to the claimant offering our assistance if he does not agree with the amount offered by the expropriating authority. The claimant later wrote asking us to get him more information on the progress of the expropriation as he had heard nothing more from the expropriating authority. We got all the information required from the expropriating authority and relayed it to the claimant. This will be negotiated when the offer of compensation has been made to the claimant if not accepted.

(4) An inquiry was made re the route the highway was making through the claimant's property. We have written the Department of Highways requesting information re route, maps, etc. The Department of Highways inform us that the claimant has now signed an agreement form subject to the route change as agreed upon. This has now been settled.

Jackson, Mrs. M.
#56 N of Indian Head

6) An inquiry was made through a third party asking for assistance re compensation offered for land expropriated by the Department of Highways. We wrote to the claimant offering our assistance and further information. He replied that he was presently negotiating with the Department of Highways and hoped to make settlement soon. If he did not make a settlement he would contact us again. We have written the Department of Highways and the file will be held open until the matter has been settled.

Blacklock, J.R.
#11 Northside of Saskatoon

(6) An inquiry was made in person re compensation offered in regards to a gravel pit which was opened adjacent to an existing pipe line. On investigation we found that the National Energy Board was the expropriating authority. This does not fall within our authority, but we did make inquiries re the claim and advised the claimant as to the proper action to take. On further inquiry we found that it was well in hand and should be resolved soon.

Herauf, P.
Jameson

(7) The claimant purchased one and one-quarter sections of land in 1964. To complete the purchase he had to obtain a mortgage from the Industrial Development Bank. He assured the I.D.B. that repayment of the mortgage would be by the sale of grain from the land and from the sale of gravel from gravel deposits which existed on the land. It is our understanding that the I.D.B. increased their mortgage by $10,000.00 from $45,000.00 to $55,000.00 because of the gravel deposits and the income that the claimant assured he could get from these deposits. The claimant was negotiating with the C.P.R. and other purchasers of gravel in the area, but in 1965 before he could open the pit, was informed that the gravel deposits had been expropriated by the Department of Highways. The offer of approximately $3,500.00 was turned down by him and he has been trying since 1965 to get settlement. The claimant has come down in his original request

Kosowan, Andy
#55 Garrick

of $150,000.00 to around $20,000.00 and the Department of Highways have increased their offer to $7,000.00. This is a very involved case but we feel that we may reach a settlement soon. Examinations for Discovery were taken in 1967, however the claimant could not afford to retain the services of his lawyer so the case never got to arbitration. The claimant claims that he has spent approximately $3,700.00 to date trying to get settlement and cannot afford any more expense. We are still negotiating and hope that settlement can be reached without the expense of arbitration.

Gabel, Mrs. Mary
#10 Duff

(8) Assistance was requested in person re compensation offered by the Department of Highways re the widening of the present highway, in particular through the claimant's yard and grove of trees. We made an investigation and have convinced the claimant that the offer by the expropriating authority was fair and just and the claimant has now agreed to accept the offer.

Tycholiz, Mike
#55 Meath Park

(9) Information was requested and forwarded to the claimant. If he has a claim he will contact us at a later date.

Robb, Roy E.
#10 W of Fort Qu'Appelle

(10) A claim had been settled by arbitration between the Department of Highways and the claimant, not to the claimant's satisfaction. His problem now is that he cannot reach approximately 20 acres of his land because of a coulee, that remains wet after a rain and in the spring, and the new highway blocks off the other route to this 20 acres. We have written the Department of Highways re removal of ditch blocks which would keep this coulee dry. The Department of Highways have assured us that this was the natural run of the water before the highway was built and that removal of ditch blocks may disrupt the normal drainage pattern and also may cause erosion along the ditches. This case is now closed.

R.M.#187 North Fort Qu'Appelle
#10 W of Fort Qu'Appelle

(11) The claimant claimed double the amount offered by the expropriating authority. This was only a small parcel of land and involved very little money. The expropriating authority have now agreed to pay the amount claimed. This claim is now settled.

Haylock, A.
#10 Duff

Herman, H.
#10 E. of Duff

Serfus, J.
#10 E. of Duff

Erbach, H.
#10 E. of Duff

(12))
(13))
(14))
(15))

These are four separate claimants on adjacent lands. We feel that the offer made by the expropriating authority was fair and just. Three of these have now been settled and the fourth is still being negotiated.

(16) This claim was received after the claimant had signed an agreement to accept the expropriating authority's offer. We investigated the situation and made inquiries, we found that the expropriating authority's offer was adequate and this has now been closed.

Mittelholtz,E.F.
#11 Aylesbury

(17) The claimant asked us for assistance re the re-routing of the highway through his land. In one area of approximately 220 acres the highway now cuts this land into three areas, [illegible] new proposed route it will cut the land into four different areas. We have made recommendations to the expropriating authority and they have agreed to take this into consideration when building the new highway.

Hockley, J.
#56 N. of
Indian Head

(18) The claimant came to us for assistance when the Department of Agriculture expropriated a portion of his one-half section for irrigation purposes. The claimant did not want to change his method of farming so the Department of Agriculture agreed to purchase the whole half section. The claimant asked for more money than offered by the Department and gave us some comparison sales in the area. We compared these sales with the offer made by the Department on the assessed value basis and we were able to convince the claimant that the Department of Agriculture's offer was fair and just. The Department agreed to change their offer giving the claimant use of the granaries for a longer period and this is now in the process of being settled.

Ballek, F.
Dept. of Agr.
Broderick

(19) The claimant asked for for assistance in the expropriation of approximately ten (10) acres from a thirty (30) acre plot owned by the claimant. We made our investigations and found that the expropriating authority were not prepared to increase their offer, we called twice on the claimant since our original meeting but could not make contact, we then went to his lawyer and explained to him that we did not think that we could get the expropriating authority to increase their offer and the only way for the claimant to receive more money was to go to arbitration.

Roebuck, N.
#14 W. of
Yorkton

(20) The claimant came to us for assistance re the expropriation of approximately forty-seven (47) acres of his land for irrigation ditches. We made an investigation and found that the claimant did not want to change his method of farming and consequently did not want the irrigation ditches, so would not be happy with any type of remuneration. We found that the expropriating authority's offer was comparable with other lands that had been expropriated in the area and we feel that the only way the claimant could get the expropriating authority to increase its offer would be by arbitration. This we feel is doubtful. This is still under negotiation.

Ballek, M.
Broderick

(21) This claim involves expropriation of some commercial property, the claimant had ordered an independent appraisal of which we have a copy and the expropriating authority are also having an independent appraisal made, when this has been done we will continue our negotiations.

Christenson & Purdy
#6 Melfort

(22) The claimant's lawyer contacted us for assistance and on investigations we found that the expropriating authority's offer was more than fair in that there had been a mistake made on the original offer, which was refused by the claimant. The expropriating authority then made a lower offer which was of course refused. We have advised the claimant and his lawyer to accept the first offer which the expropriating authority will honor. This is still under negotiation.

Harris, W.
#14 E of Yorkton

(23) This claim was received by the claimant's lawyer, on investigation we found that the amount claimed by the claimant was in our opinion far too high and that the offer made by the expropriating authority was fairly close to being realistic. The claimant did not agree with the price because of the severance of one small area, however on investigation we found that the expropriating authority had offered to purchase all of this area so there was in fact no severance problem. This case is still in the negotiation stage.

Simpson, M.
#14 W. of Yorkton

(24) The claimant's lawyer asked us for assistance to try to make a settlement. We met with the claimant and took a long list of ten complaints. WE investigated each complaint and have met with the expropriating authority in Regina and also their local office in Yorkton. The claimant runs a concentrated dairy operation on an eighty (80) acre farm, so that the small area of five (5) acres which was expropriated is in fact a large area percentagewise. This claim is still being negotiated.

Blommaert, M.
#14 W of Yorkton

(25) The claimant asked us for assistance re his claim when the highway went through his land. We made our investigation and on checking with the Department of Highways they informed us that the claimant's lawyer was negotiating with them and that they were close to a settlement.

Minty, B.
E of Rocanville

(Road to Potash Mine)

(26) The claimant asked us for assistance re a new highway that ran through his land. We made an investigation and found that the Saskatchewan Farmers Unions were also assisting the claimant. We have contacted the Saskatchewan Farmers Union and are working with them to try to have an acceptable settlement reached. This claim is still being negotiated.

Macknaik, T.
E of Rocanville
(Road of Potash Mine)

(27) Claim re location of approach to highway and location of borrow pit. After investigation we checked with the local office of the District Engineer and have assured the location of the approach to the claimant's satisfaction and the location of the borrow pit providing alternate location is suitable as to soil type and moisture content.

Kerelchuk, J.
#14 N.W. of Yorkton

(28) The claimant asked us for assistance re compensation offered for two building lots in a small town that were taken for a highway. After investigation we approached the Department of Highways and they have now increased their offer from $200.00 to $1,000.00 as asked by the claimant. This conforms with the amount paid for adjacent lots. This claim is now settled.

Dignean, L.
#14 Clavet

(29) This claim was received in regards to compensation for right-of-way for a highway. On investigation we found that an agreement had been made that the Town was to supply this right-of-way and that the claimant was to deal directly with the Town.

Bangs, L.
#7, Kindersley

(30) The claimant asked us for assistance r e compensation offered for land expropriated for a proposed highway. The claimant had refused the offer of the Department of Highways of $35.00 per acre and had made a counter offer of $200.00 per acre. After investigation we found that the claimant's counter offer of $200.00 per acre was out of line and have convinced him that a settlement of around $55.00 per acre would be fair and just, the complainant has agreed to this and we are negotiating with the Department for this amount.

Rothery, E.J.
#3 Paradise Hill

(31) The complainant approached us re compensation offered him for thirteen (13) power poles running across his land, he claimed that there were fourteen (14) poles and that compensation per pole was not enough. On investigation and actually counting the poles with the complainant he agreed to his surprise that there were only thirteen (13) poles. We checked with the Saskatchewan Power Corporation re compensation per pole and they have assured us that a new offer is being made up and should be out to the complainant early in the new year.

Norrish, E.
Strongfield

Re:Sask. Power

(32) This is a complaint re the location of access roads to the highway. When the highway was built the access roads were built to connect with the existing trails and were a few hundred feet from the actual grid road which did not exist. The solution of course is for the Rural Municipality to complete this grid road and we are sure that the Department of Highways will then change their approaches to conform. We are still negotiating.

Kleiman, H.D.
#18 E. of Hirsch

(33) This is a claim re the highway which was rebuilt in 1964, the claimant claims that at this time the level of the highway was raised and a new bridge put in. It has been all right until last spring, and with the heavy run off of water the bridge not being large enough caused the water to back up on the complainants land flooding some of the grain in storage. This does not come under the Expropriation Procedure Act however we are making an investigation and will contact the Department re some type of solution.

Emmel, G.
#18 Torquay

(over)

To Dec. 31, 1969

Miles Travelled	No. of Trips	Mileage Cost	Room & Meals	Total Cost
8,120	26	$974.40	$178.41	$1,152.81